

The introductory phrase of subsection (d) of this section, "[s]ubject to § 10-128 of this subtitle," is added to reflect the revision of former Art. 41, § 249(c) as a separate section.

In subsection (d) of this section, the reference to a duty to declare a "provision" of a regulation invalid is substituted for the former duty to declare "the rule" invalid, to conform to § 10-128 of this subtitle.

In subsection (d)(3) of this section, the reference to "requirements for adoption of the provision" is substituted for the former reference "rule-making procedures", for clarity.

Defined terms: "County" § 1-101
"Person" § 1-101 "Regulation" § 10-101
"Unit" § 10-101

10-126. RESERVED.

10-127. RESERVED.

PART V. INVALID PROVISIONS.

10-128. SEVERABILITY.

(A) IN GENERAL.

UNLESS A REGULATION EXPRESSLY STATES OTHERWISE, ITS PROVISIONS ARE SEVERABLE.

(B) FINDING OF COURT.

THE FINDING OF A COURT THAT A PROVISION OF A REGULATION IS INVALID INVALIDATES ONLY ANY OTHER PROVISION OF THE REGULATION THAT THE COURT FINDS THEN IS SO INCOMPLETE THAT IT CANNOT BE CARRIED OUT IN ACCORDANCE WITH THE PURPOSE OF THE REGULATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 249(c).

It is set forth as a separate section since its provisions seemed to apply to the regulations of all units -- including those that otherwise would be excluded under § 10-120 of this subtitle -- and seemed to apply whether or not the finding of invalidity is made under § 10-125 of this subtitle.

In subsection (b) of this section, the word "invalid" is substituted for the former phrase "void or unenforceable", for consistency.